

E O 12036

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19 JUN 1980

MEMORANDUM FOR: Deputy Director of Security (PTOS)

FROM:



Deputy Director of Security (P&M)

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SUBJECT: Electronic Surveillance Procedures

1. Dissemination of procedures approved by the Attorney General that govern electronic surveillance under Section 2-202 of Executive Order 12036 raised a question within your Directorate as to the interpretation of Subpart B3 of the cited procedures. Specifically, at issue was the application of the requirement that the Director of Security or designees find in writing that the use of countermeasures to determine the existence and capability of electronic surveillance equipment being used unlawfully, including such training as may be necessary, in the United States is permitted if the criteria specified in Subpart B3a through e are met. Further, the matter of whether or not the authority to find in writing had been delegated by the Director of Security was raised.

2. Please be advised that both questions have been resolved. Resolution is reflected in the copy of the attached memorandum of 22 August 1979 from the Director of Security to the General Counsel. At the writing, Subpart B3 was identical to that which appears in the approved procedures. To iterate the conclusions reached, written findings will be submitted in each instance and the authority to find has been delegated down to the Chief, Technical Security Division.



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